

State of South Dakota

SEVENTY-EIGHTH SESSION
LEGISLATIVE ASSEMBLY, 2003

592I0732

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1260** - 02/24/2003

Introduced by: Representatives Bartling, Cutler, Deadrick (Thomas), Gillespie, Hennies, and Peterson (Jim) and Senators Nachtigal, Albers, Moore, and Napoli

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the release of
2 satisfied liens and to provide an additional remedy for the unjust failure to do so.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 44-3-8 be amended to read as follows:

5 44-3-8. Whenever any mortgage, pledge, or other lien of any kind has been satisfied either
6 by payment, foreclosure, or other legal means, the holder of such lien ~~must within ten days after~~
7 ~~written demand is made by the owner of the property~~ shall, within thirty days of satisfaction,
8 deliver a sworn satisfaction to the debtor. However, immediately upon satisfaction of a lien or
9 at any time thereafter, if the owner of the property makes written demand on the lienholder, the
10 lienholder shall, within ten days of receipt, execute and deliver to such owner the debtor a
11 sufficient sworn satisfaction, discharge, or release to cancel the same lien or any record thereof.
12 ~~Failure~~ If the lienholder fails to execute and deliver ~~such~~ to the owner of the property a sworn
13 satisfaction, discharge, or release shall entitle within ten days of receipt of a proper written
14 demand, the owner of the property is entitled to recover from the person who ~~should have~~
15 ~~executed the same~~ failed to comply with the provisions of this section all damages that he or she



- 1 may have sustained thereby, including ~~his~~ attorney's fees and an additional penalty in the sum of
- 2 one hundred dollars.